



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 070639/0136

Applicant: Tsuneyuki KIKUCHI

#4

Title: COMMUNICATIONS SYSTEM, SERVER, METHOD FOR  
COMMUNICATIONS SYSTEM, AND RECORDING MEDIUM

Application No.: 09/988,785

Filed: November 20, 2001

Examiner: Unassigned

Art Unit: 2152

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Technology Center 2100

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued April 28, 2004 with respect to a counterpart Japanese patent application is provided below.

"The inventions related to Claims 1 through 43 of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the invention belongs based on the inventions recited in the publications 1 through 6, which had been distributed in Japan or abroad prior to the application, and therefore cannot receive a patent according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note

(For a list of the cited literature, see the List of Cited Literature.)

Claims: 1 through 4, 13 through 15, 24, 25, 34 and 35  
Cited Literature: 1

Cited Literature 1 describes an invention wherein a subscriber database (corresponding to the "recording means wherein cutoff condition information is recorded," in the present application) is provided at the new station side, and the telephone call is forcibly cut off when the telephone call limit time recorded in the subscriber database is reached.

The application to well-known client/server systems of the invention described in Cited Literature 1 is not seen as having any particular inventive step.

Claims: 5, 6, 16, 17, 26, 27, 36 and 37  
Cited Literature: 1 and 2

Cutting off the call when a specific amount of time has elapsed without communications is no more than a well-known technology to those skilled in the art. (For example, see Cited Literature 2, Figure 1.)

Claims: 7, 18, 28 and 38  
Cited Literature: 1 through 3

Performing control so that the number of simultaneous connections does not exceed a specific number is also a well-known technology to those skilled in the art. (For example, see Block 3, line 2 through Line 19 in Cited Literature 3.)

Claims: 8, 9, 19, 20, 29, 30, 39 and 40  
Cited Literature: 1 through 4

Cutting off the call when the amount of traffic exceeds a specific level is a well-known technology to those skilled in the art. (For example, see Block 3, Line 48 through Block 4, Line 16, etc., in Cited Literature 4.)

Claims: 10, 21, 31 and 41  
Cited Literature: 1 through 5

In client/server systems, the provision in the server of a table that indicates the correspondence between applications and timeout times is a common means to those skilled in the art. (For

example, see paragraphs (0028) through (0040) in Cited Literature 5.)

Claims: 11, 12, 22, 23, 32, 33, 42 and 43

Cited Literature: 1 through 6

The provision of a priority order for cutting of telephone calls, and cutting off, with higher priority, calls with long communications claims, are both well-known means to those skilled in art. (See, for example, line 4 of the lower-left block of page 3 through line 18 of the lower-right block of Cited Literature 6.)

A new notification of reasons for rejection will be provided if further reasons for rejection are discovered.

#### List of Cited Literature

1. Japanese Unexamined Patent Application Publication H4-137990
2. Japanese Unexamined Patent Application Publication H2-114348
3. Japanese Examined Patent Application Publication H1-23985
4. Japanese Examined Patent Application Publication H7-14163
5. Japanese Unexamined Patent Application Publication H10-269159
6. Japanese Unexamined Patent Application Publication H1-157656"

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

June 4, 2004  
Date

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: June 4, 2004 <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/988,785</td> </tr> <tr> <td>Filing Date</td> <td>11/20/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Tsuneyuki KIKUCHI</td> </tr> <tr> <td>Group Art Unit</td> <td>2152</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>070639-0136</td> </tr> </table>		Application Number	09/988,785	Filing Date	11/20/2001	First Named Inventor	Tsuneyuki KIKUCHI	Group Art Unit	2152	Examiner Name	Unassigned	Attorney Docket Number	070639-0136
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Sheet	1	of	1												



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1	JP	1-23985			05/09/1989		NO
	A2	JP	1-157656			06/20/1989		ABS
	A3	JP	2-114348			04/26/1990		ABS
	A4	JP	4-137990			05/12/1992		ABS
	A5	JP	7-14163			02/15/1995		NO
	A6	JP	10-269159			10/09/1998		ABS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.